



ASSEMBLY — 35TH SESSION

TECHNICAL COMMISSION

- Agenda Item 24: ICAO Global Aviation Safety Plan (GASP)**
24.1: Protection of sources and free flow of safety information

BRAZILIAN EFFORTS TO ADOPT STANDARDS AND RECOMMENDED PRACTICES FOR FLIGHT DATA ANALYSIS SYSTEMS

(Presented by Brazil)

INFORMATION PAPER

SUMMARY

This paper summarizes the situation in Brazil regarding the establishment of Flight Data Analysis Systems and the protection of the information obtained by such programs. The appendix contains the key points of a draft resolution to be enacted by Brazilian Civil Aviation Department.

Action by the Assembly is in paragraph 6.

REFERENCES

Annex 6
Annex 13
A35-WP/52

1. INTRODUCTION

1. Brazil was the first Latin American Contracting State to successfully establish a Flight Data Analysis System, early in year 2000, with effective achievements. Recognizing the relevance of this matter in order to improve aviation safety, meanwhile preventing the non-purpose use of the data collected, the Brazilian National Committee for Aircraft Accidents Prevention (CNPAA) created a temporary commission to propose a specific rule for the access and treatment of data collected from flight data analysis systems, in a non-punitive basis and following strictly what dictates the Amendment 26 to the Annex 6 of International Civil Aviation Convention. The commission was established in May, 15th, 2003, entitled “FOQA Temporary Commission”, alluding to the terminology used by the operator who was nominated to coordinate the

regulation work.

2. **BACKGROUND**

2.1 As noted by ICAO, there is an international trend in civil aviation for using accident and incident records as long as safety data collection systems for disciplinary and enforcement purposes, that adversely affects the accident prevention goals. As far as the adoption of Flight Data Analysis Systems is in initial phase by most part of the Brazilian operators, there is a need to encompass the terms provided by ICAO in Annex 6.

3. **THE FOQA TEMPORARY COMMISSION**

3.1 The commission was composed by members of operators, manufacturer, unions, civil aviation authority and an air & space law association, in an attempt to cover the needs and issues of representatives of all the players involved, granting a high level of technical and legal discussing. The work was conducted by the carrier who was the first to implement a Flight Data Analysis System in Brazil, with remarkable positive results. During 15 months an extensive technical and legal research was done and five meetings were held until the issuing of a draft regulation, delivered to the Brazilian National Committee for Aircraft Accidents Prevention (CNPAA) in august, 2004. This entity presented the final draft to the Brazilian Civil Aviation Authority (DAC), in order to address the normative process to enact the regulation.

4. **THE BRAZILIAN POSITION**

4.1 The Brazilian aviation community adheres strongly to the principles of non-punitivity and confidentiality regarding the dealing of safety related information. Regular updates of the FOQA Temporary Commission works were presented during the meetings of the Commission for Studies in Air Accident Prevention, from Brazilian Civil Aviation Authority. The final draft of regulation reflects the consensus of the major Brazilian aviation players, who urged for a text to rule the adequate use of Flight Data Analysis Systems, in compliance to Annex 6.

5. **CONCLUSION**

5.1 While the normative process is in course, the Brazilian National Committee for Aircraft Accidents Prevention (CNPAA) publicized a recommendation, stating the key points of the national rule to be enacted. The FOQA Temporary Commission was turned into a permanent commission, whose mission is to observe and supervise the implementation of Flight Data Analysis Systems in Brazil.

6. **ACTION BY THE ASSEMBLY**

6.1 Assembly is invited to:

- a) note the Brazilian efforts to assure the appropriate development of Flight Data Analysis Programs, ensuring protection provisions for the data collected, laying emphasis in the non-punitivity or inadequate use for disciplinary actions.

APPENDIX

KEY POINTS OF THE DRAFT REGULATION FOR FLIGHT DATA ANALYSIS SYSTEMS IN BRAZIL

- (a) an operator of an aeroplane of a maximum certificated take-off weight in excess of 27,000 kg shall establish and maintain a flight data analysis program as part of its accident prevention and flight safety program.
- (b) the flight data analysis program shall be managed by the flight safety department, under the supervision of a manager, graduated in Accident Prevention at the National Center for Aircraft Accident Prevention and Investigation (CENIPA).
- (c) the manager of a Flight Data Analysis System shall establish a working group to conduct the program, composed by key personnel including at least an FDA analyst, a crew member to act as “gatekeeper” and a software analyst.
- (d) an agreement celebrate for utilization, access and treatment of the data collected shall be celebrated between the operator, its pilots association and unions.
- (e) to grant the confidentiality the operator shall assure: the de-identification of any data obtained and adequate safeguards to protect the information.
- (f) intentional flight violation, criminal acts and the unnecessary and conscious risk assumption constitutes the only exceptions to the confidentiality and nondisclosure rule.

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